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EXAMINER
JONES, HEATHER RAE

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/759,486
Filing Date: January 12, 2001
Appellant(s): PELLETIER, DANIEL

John C. Fox
Reg. No. 24,975
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/24/2006 appealing from the Office action mailed 6/24/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is substantially incorrect. A correct statement of the status of the claims is as follows:

Claims 1, 3-7, and 9-17 now stand finally rejected as set forth in the final Office Action dated 6/24/2005, and are the subject of this appeal. The arguments concerning claims 18 and 19 were persuasive. Therefore, claims 18 and 19 now stand objected to.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: claims 18 and 19 are now objected to.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,275,258	Chim	08-2001
6,750,902	Steinberg et al.	06-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-7, 9-12 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Chim (U.S. Patent 6,275,258).

Regarding claim **1**, Chim discloses a method for automatically controlling the movements of at least one camera or camera lens to change the prospective of a scene viewed by the camera at least one camera or camera lens, the method comprising the steps of: selecting at least one sequence of camera parametrics from a plurality of sequences of camera parametrics, wherein the at least one sequence of camera parametrics is selected from the group of camera movements including scanning, zooming, tilting, orientating, panning, fading, zoom-and-pull-back, fade-in, fade-out, (col. 4, lines 51-54; col. 8, lines 41-44) and wherein the parametrics provide instruction to control movement of the at least one camera or camera lens (it is inherent that the selected parameters are already installed and selected on the camera in order for the camera to be able to perform the sequences); determining criteria for executing the selected

sequence of camera parametrics, wherein the criteria are responsive to at least one high level parameter of at least one object contained in the scene (col. 4, lines 34-42); and adjusting movement of the at least one camera or camera lens in response to the determined criteria (col. 8, lines 26-44).

Regarding claim **3**, Chim discloses a method as described in claim 1, wherein the at least one high level parameter includes the number of objects within the scene (the system can determine the current speaker from several different speakers (col. 4, lines 63-67) from the different signal levels transmitted by the microphones). Therefore, the one high level parameter inherently includes the number of objects since there is more than one speaker.

Regarding claim **4**, Chim discloses a method as described in claim 1, wherein the at least one high level parameter includes the position of at least one object within the scene (col. 4, lines 64-67).

Regarding claim **5**, Chim discloses a method as described in claim 1, wherein the at least one high level parameter includes speech recognition of at least one object within the scene (col. 4, lines 34-42).

Regarding claim **6**, Chim discloses a method as described in claim 1, wherein the at least one high level parameter includes an audio input of at least one object within the scene (col. 4, lines 34-42).

Regarding claim **7**, Chim discloses an apparatus for automatically controlling the movements of at least one camera or camera lens to change the prospective of a scene viewed by the at least one camera or camera lens, the

apparatus comprising: a processor operative to: receive a first input for selecting at least one sequence of camera parametrics from a plurality of sequences of camera parametrics, wherein the at least one sequence of camera parametrics is selected from the group of camera movements including scanning, zooming, tilting, orientating, panning, fading, zoom-and-pull-back, fade-in, fade-out, (col. 4, lines 51-54; col. 8, lines 41-44) and wherein the parametrics provide instruction to control movement of the ate least one camera or camera lens (it is inherent that the selected parameters are already installed and selected on the camera in order for the camera to be able to perform the sequences); receive a second input comprising at least one high level parameter of at least one object contained in the scene; determine criteria for executing the selected sequence of camera parametrics, wherein the criteria are responsive to the at least one high level parameter (col. 4, lines 34-42); and means for adjusting movement of the at least one camera or camera lens in response to the determined criteria (col. 8, lines 26-44).

Regarding claim **9**, Chim discloses an apparatus as described by claim 7, wherein the at least one high level parameter includes the number of objects within the scene (the system can determine the current speaker from several different speakers (col. 4, lines 63-67) from the different signal levels transmitted by the microphones). Therefore, the one high level parameter inherently includes the number of objects since there is more than one speaker.

Regarding claim **10**, Chim discloses an apparatus as described by claim 7, wherein the at least one high level parameter includes the position of at least one object within the scene (col. 4, lines 64-67).

Regarding claim **11**, Chim discloses an apparatus as described by claim 7, wherein the at least one high level parameter includes speech recognition of at least one object within the scene (col. 4, lines 34-42).

Regarding claim **12**, Chim discloses an apparatus as described by claim 7, wherein the at least one high level parameter includes an audio input of at least one object within the scene (col. 4, lines 34-42).

Regarding claim **16**, Chim discloses an apparatus as described by claim 7, wherein the camera movement is accomplished electronically (col. 4, lines 16-21).

Regarding claim **17**, Chim discloses an apparatus as described by claim 7, wherein the camera movement is accomplished mechanically (col. 4, lines 40-42).

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chim as applied to claim 7 above, and further in view of Steinberg et al. (U.S. Patent 6,750,902).

Regarding claims **13-15**, Chim discloses all subject matter as discussed with claim 7, except that the means for adjusting the camera movement effects outputting of the criteria over a serial connection, parallel connection, or a

network. Official Notice is taken that outputting of the criteria over be output over a serial connection, parallel connection, or a network.

Referring to the Steinberg et al. reference, Steinberg et al. discloses an apparatus wherein the means for adjusting the camera movement effects outputting of the criteria over a serial connection, parallel connection, or a network (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a serial connection, parallel connection, or a network to output criteria for adjusting the camera movements as taught by Steinberg et al. with the apparatus disclosed by Chim because it is well known in the art to use any of these connections to transmit data from one device to another.

Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(10) Response to Argument

The Appellant argues on Page 8, lines 3-15 that the Chim reference does not teach or suggest selecting at least one sequence of camera parametrics from a plurality of sequences of camera parametrics. The Examiner respectfully disagrees. Claims 1 and 7 only require the apparatus to select at least one sequence of camera parametrics selected from the group of movements including scanning, zooming, tilting, orientating, panning, fading, zoom-and-pull-

back, fade-in, and fade-out. Chim discloses selecting at least two of these (zooming and panning: col. 4, lines 51-54) therefore meeting the claimed limitations. The Appellant further argues that the cited passage (the cited passage stating: 'The computer pans or zooms the camera toward the microphone transmitting the increasing signal level until the change in relative signal levels transmitted from the microphones stabilizes.') does not state or imply that panning or zooming are selected from a plurality of sequences of camera parametrics. The Examiner respectfully disagrees. Having two different camera parametrics that can be used in any order meets the limitations of the camera selecting from a plurality of sequences of camera parametrics. The different sequences being: zoom only, pan only, zoom and then pan, or pan and then zoom.

The Appellant argues on Page 9, lines 28-31 that the Chim reference does not teach or suggest determining criteria for executing the selected sequence of camera parametrics. The Examiner respectfully disagrees. Chim determines the locations of the objects in the room based on sound, which in turn is used to execute the zooming or panning sequence (col. 4, lines 34-42). The Appellant further argues that Chim's criteria for camera movement is not determined, but rather has been predetermined. The Examiner respectfully disagrees because the camera uses sound to adjust the focus of the camera and it would not be able to predetermine the movement of the speaker. If the camera knew the movement of the speaker ahead of time then it would not have to rely on sound

to determine where the speaker is in the room and one could just program the camera to move at various times.

The Appellant argues on Page 10, lines 6-9 that the Chim reference is not able to determine the number of objects in a scene and on Page 8, lines 5-13 that the Chim reference does not determine the position for objects in a room. The Examiner respectfully disagrees. Chim discloses the system can determine the current speaker from several different speakers (col. 4, lines 63-67) from the different signal levels transmitted by the microphones. For example, if two different sounds were coming from two different places in the room the apparatus would be able to determine that there are two objects in the room. Therefore, this inherently includes the number of objects since there is more than one speaker. Determining the positions for objects in a room go hand-in-hand with determining how many objects is in the room in that the camera recognizes that the sounds are coming from two different areas of the room. Furthermore the claim only requires determining the position of at least one object within the scene, which takes place when the camera locates the speaker within the room. The Appellant further argues that scenes include objects other than speakers, such as people who never speak and inanimate objects. The Examiner would like to point out that the term "object" is a very broad term and can be used to describe anything. The Examiner is using the word "object" to define speakers because that is the main focus in the Chim patent, how many speakers are in the

scene. The claims have no limitations as to what the word "object" means and therefore it may be examined using the broadest interpretation.

The Appellant argues on Page 11, lines 10-13 that the Chim reference does not disclose speech recognition. The Examiner respectfully disagrees. Chim is able to detect audio by using microphones with would include recognizing speech since speech is an audio signal. The Appellant further argues that the system is activated by sound of any kind, not strictly by voice and that a kick of a table or rustling of papers can inadvertently switch the device. However, Chim discloses an interface card (18) that includes circuitry for sensing and differentiating tone and for tracking a speaker having a selected tone, which would aid with tracking the speaker particularly in the presence of ambient noise (col. 8, lines 14-22). Therefore, the interface card (18) would take be able to distinguish between the speaker and a kick of a table or rustling of papers.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Heather R. Jones

Examiner

Art Unit 2621

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May 15, 2006

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